

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
PANAMSAT LICENSEE CORP.)	File Nos. SAT-LOA-20000929-00136
)	SAT-AMD-20021107-00203
Application for Authority to Launch)	
and Operate a Replacement C-band)	
Fixed-Satellite Service Space Station)	

ORDER AND AUTHORIZATION

Adopted: March 26, 2003

Released: March 27, 2003

By the Chief, Satellite Division, International Bureau:

I. INTRODUCTION

1. By this Order, we grant PanAmSat Licensee Corp. ("PanAmSat") authority to launch and operate the Galaxy XII satellite in the Fixed Satellite Service ("FSS") in the C-band¹ to replace its Galaxy VI satellite at the 74° W.L. orbit location. By this action we enable PanAmSat to ensure continuation of service to its customers and increased service reliability.

II. BACKGROUND

2. PanAmSat requests authority to launch and operate the Galaxy XII satellite at the 74° W.L orbit location previously assigned to PanAmSat's Galaxy VI (C-band) and SBS-6 (Ku-band) satellites.² The Galaxy VI satellite provided C-band services

¹ For the purposes of this Order, the C-band refers to the Earth-to-space (uplink) frequencies at 5925-6425 MHz and the corresponding space-to-Earth (downlink) frequencies at 3700-4200 MHz.

² PanAmSat initially proposed to name its replacement satellite Galaxy VI-R. PanAmSat amended its application (File No. SAT-AMD-20021107-00203) to: a) rename the satellite Galaxy XII; b) change the applicant from PanAmSat Corporation to PanAmSat Licensee Corp, an affiliated company; and c) modify the technical characteristics of the proposed replacement satellite. The technical modifications reflect a new spacecraft type and minor changes to the uplink and downlink performance characteristics of the proposed satellite. PanAmSat Licensee Corp., Amendment to Application, p. 3 (filed Nov. 7, 2002). See *Public Notice*, Report No. SAT-00128 (Nov. 15, 2002). For purposes of this Order the Ku-band refers to the 14.0-14.5 GHz (uplink) and 11.7-12.2 GHz (downlink) frequency bands.

at the 74° W.L orbit location until September 2002 when it reached the end of its design life and was de-orbited.³ C-band services are currently provided from the 74° W.L orbit location by the Galaxy III-R satellite on an interim basis until Galaxy XII is placed into service.⁴

3. PanAmSat proposes to operate the replacement Galaxy XII satellite to provide video, audio and data communications to satellite users in North America. The Galaxy XII satellite will provide service using the same C-band frequencies assigned to Galaxy VI, that is, the 3700-4200 and 5925-6425 MHz frequency bands. Launch of the Galaxy XII satellite is currently scheduled for April 2003.

III. DISCUSSION

4. Given the enormous costs of building and operating satellite space stations, the Commission has stated that there should be some assurance that operators will be able to continue to serve their customers.⁵ The Commission has therefore stated that, when the orbit location remains available for a U.S. satellite with the technical characteristics similar to the proposed replacement satellite, it will generally authorize the replacement satellite at the same location.⁶ The Commission also acts on applications for replacement satellites as they are filed, without consolidating them into a processing group.⁷

5. All applicants must demonstrate technical, legal and financial qualifications to hold a space station license.⁸ PanAmSat's legal and technical qualifications are evidenced by its well documented experience and that of its

³ On December 20, 2002, the Satellite Division granted a verbal Special Temporary Authority (STA) for PanAmSat to continue its telemetry, tracking and command (TT&C) communications with Galaxy VI for 30 days while performing end of life maneuvers. Galaxy VI has been de-orbited and is no longer in a geosynchronous orbit. No comments were filed in response to PanAmSat's application, as amended.

⁴ On November 1, 2002, the Bureau granted PanAmSat an STA, through March 31, 2003, to relocate Galaxy III-R to 74° W.L and to operate the C-band and TT&C payloads there. File No. SAT-STA-20020924-00171. Previously, PanAmSat had received a verbal STA grant on September 26, 2002, that authorized it to drift the satellite and provide TT&C communications only. PanAmSat states that permanent operation of Galaxy III-R at the 74W.L. orbit location is not an option since Galaxy III-R is operating on a backup satellite control processor ("SCP") as a result of a failure of its primary SCP. According to PanAmSat, deploying a satellite with two fully functioning SCPs will enhance service reliability.

⁵ *GE American Communications, Inc.*, Order and Authorization, 10 FCC Rcd 13775 (Int'l Bur. 1995).

⁶ *Columbia Communications Corporation*, Memorandum Opinion and Order, 16 FCC Rcd 20176 (Int'l Bur. 2001).

⁷ *GE American Communications, Inc.*, 10 FCC Rcd at 13776.

⁸ *See Licensing Space Stations in the Domestic Fixed-Satellite Service*, 58 R.R.2d (P&F) 1267, 1272-3 (1985) (1985 Orbit Assignment Order).

predecessors-in-interest in establishing and operating a satellite system. The Commission has on several occasions found that PanAmSat possesses the necessary legal qualifications to be a Commission licensee. With respect to financial qualifications, PanAmSat provided a balance sheet and income statements of its parent, Hughes Electronic Corporation ("HEC"), demonstrating adequate funds to finance the construction, launch, and operation for one year of Galaxy XII. HEC's balance sheet as of December 31, 2001 shows total current assets of \$3.3 billion which is more than adequate to cover PanAmSat's estimated cost of \$140 million to construct, launch, and operate Galaxy XII for one year.⁹ We find that PanAmSat has demonstrated its current ability to meet our financial requirements.

6. We also find that the Galaxy XII satellite meets the Commission's technical requirements for space stations in the fixed-satellite service.¹⁰ Specifically, the Galaxy XII satellite does not introduce any new issues concerning interference beyond the current licensed C-band operations at the 74°W.L. orbital location.

7. As set forth above, PanAmSat possesses the requisite legal, financial, and technical qualifications to construct, launch and operate the Galaxy XII satellite. We also find that a grant of PanAmSat's application will serve the public interest by ensuring continuity of service to its customers.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that PanAmSat Licensee Corp.'s application, SAT-LOA-20000929-00136, as amended, SAT-AMD-20021107-00203, IS GRANTED and PanAmSat Licensee Corp is authorized to launch and operate its Galaxy XII satellite at 74° W.L. in accordance with the terms, conditions, and technical specifications set forth in its application and this Order.

9. IT IS FURTHER ORDERED that, PanAmSat Licensee Corp shall prepare the necessary information, as may be required, for submission to the ITU to initiate and complete the advance publication, international coordination, and notification process of this space station in accordance with the ITU Radio Regulations. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. See 47 C.F.R. § 25.111(b).

⁹ An applicant relying on internal financing must submit a balance sheet documenting current assets and operating *income* sufficient to cover its costs. Current assets -- which include cash, inventory, and accounts receivable -- provide a general measure of a company's ability to raise funds on the basis of its on-going operations. See 47 C.F.R. § 25.114(c) (13); 1985 *Orbit Assignment Order* at 1272.

¹⁰ See 47 C.F.R. §25.210.

10. IT IS FURTHER ORDERED that PanAmSat Licensee Corp is obliged to comply with the applicable laws, regulations, rules, and licensing procedures in every country it proposes to serve.

11. IT IS FURTHER ORDERED that the license term for the Galaxy XII satellite is fifteen years and will begin to run on the date that PanAmsat Licensee Corp certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization.

12. PanAmSat is afforded thirty days from the date of release of this order and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

13. This Order is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the release of this order (*see* 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

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